

F.5  
7/30/82


Specifically, Plaintiff requests that it, its agents and employees have full and complete access to Defendant's land which is described in Paragraphs 2 and 8 of the Complaint filed in this cause, for the purposes of:

- a) sampling of surface and ground-water, soil, sludge, and waste streams;
- b) photographic recording;
- c) measurements of ground water level;
- d) drilling and installing monitoring wells; and
- e) field surveys, without any limitations, of the following types: earth resistivity, metal detector, magnetometer and topographical.

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER  
ATTORNEY GENERAL

BY:

  
Robert W. Mueller  
Assistant Attorney General  
Environmental Control Division  
Southern Region

OF COUNSEL:

Reed W. Neuman  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

DATED:

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS )

Plaintiff, )

-vs- )

MONSANTO COMPANY, a Delaware  
corporation, )

Defendant. )

82-3229

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS

NOW COMES Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, by  
Tyrone C. Fahner, Attorney General of the State of Illinois,  
and pursuant to Rule 34 of the Federal Rules of Civil Pro-  
cedure, requests that Defendant, MONSANTO COMPANY, produce the  
following documents for inspection and copying at the offices  
of the Attorney General, 500 South Second Street, Springfield,  
Illinois, within thirty (30) days of service hereof.

DEFINITIONS

1. "Document", as that term is used herein, includes any  
and all manner of written, typed, printed, reproduced, filmed,  
or recorded material, and all photographs, pictures, plans or  
other representations of any kind of anything pertaining, de-  
scribing, referring or relating directly or indirectly, in  
whole or in part, to the subject matter of each paragraph of  
this Request, and the term includes, but is not limited to:

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a. Papers, books, journals, ledgers, statements, memoranda, reports, invoices, work sheets, work papers, notes, transcriptions of notes, letters, correspondence, abstracts, checks, diagrams, maps, surveys, plans, films, photographs, diaries, lists, logs, publications, advertisements, instructions, minutes, orders, purchase orders, messages, resumes, summaries, agreements, contracts, telegrams, telexes, cables, recordings, audio tapes, magnetic tapes, visual tapes, transcriptions of tapes or records, calculator or computer tapes, books, speeches, pamphlets, leaflets, flyers, announcements, bulletins, brochures, publications, journals, newsletters or other periodicals, agenda, reports, opinions, charts, tabulations, digests, compilations, studies, expert analyses, evaluations, manuals, guides, research papers, articles, or other writings or tangible things on which any handwriting, typing, printing, photostatic or other forms of communications or information are recorded or reproduced, as well as all notations on the foregoing, in the possession of plaintiff, its attorneys, agents or employees;

b. Originals and all other non-identical copies thereof; and

c. All drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

2. The words "person" or "persons" mean all entities of every type and description including, without limiting the generality of the foregoing, all natural persons, associations, companies, corporations, trusts, and federal, state and municipal or local government agencies and entities and their subdivisions, bureaus, departments and boards.

3. "You" or "your" means Defendant, Monsanto Company and/or its attorneys, employees, representatives and/or agents, and/or any or all other persons acting or purporting to act on its behalf, as appropriate.

4. As used herein, "disposal site" refers to the property utilized by Defendant, Monsanto Company, for disposal of liquid and solid chemical wastes, as more fully described in Paragraphs 2 through 5 of the Complaint filed in this cause.

5. As used herein, "liquid seepage stream" and "weep stream" refer to the phenomenon of liquid seepage occurring on property owned by Defendant, Monsanto Company, as more fully described in Paragraphs 8 through 10 of the Complaint filed in this cause.

#### INSTRUCTIONS

1. Unless otherwise specified, this Request seeks documents dated, prepared or pertaining to any time period referred to in the Complaint, or as reflected in any discovery which has heretofore taken place or which may take place in the future.

2. This Request shall be deemed to be continuing and, in the event that you become aware of additional documents responsive thereto after the date of production specified hereinabove, you are requested to furnish such documents to the attorneys for the Plaintiff.

3. In the event that you seek to withhold any document on the basis that it is subject to the attorney-client or attorney's work-product privilege, this Request shall be taken as a request for implementation of the following procedures:

a. You shall supply defendant with a numerical list of documents for which limitation of discovery is claimed, indicating:

1. the name of the writer, sender or initiator of such document, if any;

2. the name of recipient, addressee, or party for whom such document was intended, if any;

3. the date of such documents, if any, or estimate thereof and so indicated as an estimate if no date appears on said document; and

4. the general subject matter as described on such document, or, if no such description appears, then such other description sufficient to identify said document.

4. You shall segregate documents produced in response hereto according to the paragraph to which they are responsive. You shall also specifically identify in writing each paragraph of this Request for which no responsive documents exist or are produced.

5. You shall produce original copies of all requested documents and all copies thereof that bear any mark or notation not present on the original.

## REQUESTS FOR PRODUCTION

REQUEST NO. 1: Any and all documents containing analysis of waste streams from any production or other department at Defendant Monsanto's W.G. Krummrich plant or any other facility owned, operated or controlled by Monsanto, that were transported to the disposal site.

REQUEST NO. 2: Any and all documents reporting any analyses of wastes transported from the W.G. Krummrich plant or any other facility owned, operated or controlled by Monsanto, to the disposal site.

REQUEST NO. 3: Any and all documents indicating the quantities of wastes transported from the W.G. Krummrich plant, or any other facility owned, operated or controlled by Monsanto, to the disposal site.

REQUEST NO. 4: Any and all operational or production reports or manuals that describe the chemical processes, and the types and quantities of wastes produced by those processes, utilized at the W.G. Krummrich plant from 1950 to the present.

REQUEST NO. 5: Any and all contracts or agreements between Defendant Monsanto and any persons or firms employed by Monsanto to operate the disposal site, or to transport, accept, handle or dispose of wastes to or at the disposal site.

REQUEST NO. 6: Any and all bills of lading or other documents indicating the times and weights of shipments of wastes from the W.G. Krummrich plant, or any other facility owned, operated or controlled by Monsanto, to the disposal site.

REQUEST NO. 7: Any and all documents indicating or specifying any procedures or guidelines to be followed in transporting, handling or disposing of wastes to or at the disposal site.

REQUEST NO. 8: Any and all documents relative to the design, construction, operation or closure of the disposal site, and any events or activities thereat subsequent to closure, including but not limited to documents containing or indicating the following:

- a) identification of any contractors employed;
- b) engineering studies, specifications or plans;
- c) physical or chemical analyses of soils or groundwater, including specification of parameters tested, laboratories utilized, sampling procedures utilized, and all supportive data; and
- d) specification of materials utilized for closure, including the results of any soil analyses or compaction tests.

REQUEST NO. 9: Any and all documents relative to the location, construction, or sampling of any piezometers, monitoring or other wells within a one-mile radius of the disposal site, including any wells utilized or drilled with the expectation of providing process water for the W.G. Krummrich plant, including but not limited to documents containing or indicating the following:



- a) identification of any contractors employed to install or sample such wells;
- b) dates when any such wells were installed;
- c) quantity and location of any such wells;
- d) diagrams, contours maps, and construction details;
- e) boring logs;
- f) physical or chemical analyses of soils or groundwater, including specification of parameters tested, laboratories utilized, sampling procedures utilized, and all supportive data;
- g) groundwater levels;
- h) results of analyses of any wastes encountered while drilling; and
- i) any reports written by contractors or internal memos regarding work performed in regard to such wells.

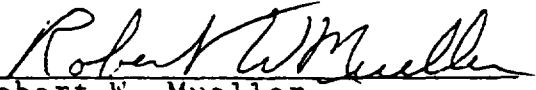
REQUEST NO. 10: Any and all documents relative to observation, sampling, testing or analysis of the liquid seepage stream, including but not limited to documents containing or indicating the following:

- a) time and place of any sampling, and identity of persons engaged in such sampling; and
- b) physical or chemical analyses of water or soil samples, including specification of parameters tested, laboratories utilized, sampling procedures utilized, and all supportive data.

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER  
ATTORNEY GENERAL

BY:

  
Robert W. Mueller  
Assistant Attorney General  
Environmental Control Division  
Southern Region

Reed W. Neuman  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-1090

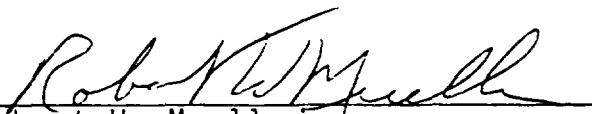
Of Counsel.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30th day of July, 1982, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS and PLAINTIFF'S FIRST REQUEST FOR INSPECTION OF REAL ESTATE

TO: Bruce A. Featherstone  
Kirkland & Ellis  
200 East Randolph Street  
Chicago, Illinois 60601

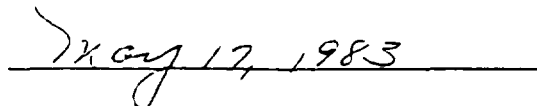
William H. Hoagland  
Hoagland, Maucker, Bernard & Almeter  
401 Alton Street  
P.O. Box 130  
Alton, Illinois 62002

  
Robert W. Mueller  
Assistant Attorney General  
Environmental Control Division  
Southern Region

SUBSCRIBED AND SWORN TO BEFORE  
me this 30th day of July, 1982.

  
Eunice R. Sasetti  
Notary Public

My Commission Expires

  
May 17, 1983

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